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Attorneys for Defendant,  
**U.S. TRADES, LLC**

**UNITED STATES DISTRICT COURT**  
**IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

REYNALDO SALINAS, ISABEL SALINAS,  
AND JESSICA SALINAS, INDIVIDUALLY  
AND AS REPRESENTATIVE OF THE  
ESTATE OF JOSE MARTIN SALINAS,

Plaintiffs,

vs.

AMTECK OF TEXAS, AMTECK OF  
KENTUCKY, INC. d.b.a. KENTUCKY  
AMTECK, INC., U.S. TRADES, LLC,  
HASKELL COMPANY d.b.a. THE  
HASKELL COMPANY OF FLORIDA,  
SNORKEL INTERNATIONAL, INC.

Defendants.

Case No.: 3:08-cv-01463 PJH  
JUDGE: Hon. Phyllis J. Hamilton  
DEPARTMENT: 3  
COMPLAINT DATE: 3/17/08

**DEFENDANT U.S. TRADES, LLC'S  
RE-NOTICE OF MOTION TO DISMISS**

**DATE:** August 20, 2008  
**TIME:** 9:00 a.m.  
**DEPT:** 3

DISCOVERY CUT OFF: NONE  
MOTION CUT OFF: NONE  
MSC DATE: NONE  
TRIAL DATE: NONE

TO THE HONORABLE PHYLLIS J. HAMILTON, UNITED STATES DISTRICT JUDGE,  
AND TO ALL PARTIES AND THEIR COUNSEL OF RECORD HEREIN:

1 **PLEASE TAKE NOTICE that on August 20, 2008, at 9:00 a.m., in Department 3** of the  
2 **above-entitled Court located at 450 Golden Gate, in San Francisco, California,** before the  
3 **Honorable Phyllis J. Hamilton, United States District Judge, Defendant U.S. TRADES, LLC**  
4 **will and hereby does respectfully move this Court for an order dismissing U.S. TRADES, LLC**  
5 **with prejudice from the above-captioned action. Undersigned defendant brings this Motion to**  
6 **Dismiss the claims of Reynaldo Salinas, Isabel Salinas and Jessica Salinas (Individually and as**  
7 **Representative of the Estate of Jose Salinas) as against U.S. Trades, LLC ("UST"), based on the**  
8 **exclusive remedy of Worker's Compensation in the State of California. UST should be**  
9 **dismissed from the civil suit because, as the employer who provided Worker's Compensation**  
10 **benefits to plaintiffs, it is protected by the exclusive remedy rule. California Labor Code**  
11 **§§ 3600, 3602.**

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14 Respectfully submitted,

15  
16 DATED: July 15, 2008

CALLAHAN, McCUNE & WILLIS, APLC

17  
18 By 

PETER M. CALLAHAN, ESQ.  
RONALD D. DIGESTI, ESQ.  
LEE H. A. DiBELLO, ESQ.  
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Attorneys for Defendant  
U.S. TRADES, LLC

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